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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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U.S. DISTRICT COURT  
DISTRICT OF MASS.

BROOKSTONE COMPANY, INC.,

Plaintiff,

v.

SHARPER IMAGE CORPORATION,

Defendant.

Case No. 04-10907-NMG

**STIPULATION AND [PROPOSED] ORDER FOR DISMISSAL  
OF CLAIMS WITH PREJUDICE**

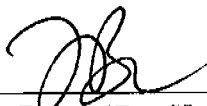
IT IS HEREBY STIPULATED AND AGREED, by and between the parties, Plaintiff Brookstone Company, Inc. ("Brookstone") and Defendant Sharper Image Corporation ("Sharper Image"), pursuant to Fed. R. Civ. P. 41(a)(1)(ii), subject to the approval of this Court, that all claims and counterclaims in Civil Action No. 04-10907-NMG be and hereby are dismissed with prejudice, with each party bearing its own costs and attorney fees. Sharper Image expressly reserves the right to assert any and all defenses, and counterclaims in any future action(s) between it and Brookstone in relation to any product other than the accused Grill Fork that is the subject of this action.

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IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

DATED: March 17, 2005

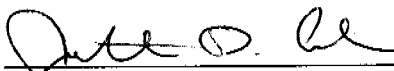
  
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DATED: March 17, 2005

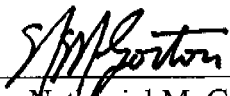
  
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Company, Inc.*

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 4/1/05

  
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Hon. Nathaniel M. Gorton  
United States District Judge